

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Clarksburg**

ACTELION PHARMACEUTICALS LTD.,

Plaintiff,

v.

CIVIL ACTION NO. 1:20-CV-110
Judge Bailey

MYLAN PHARMACEUTICALS, INC.,

Defendant.

ORDER

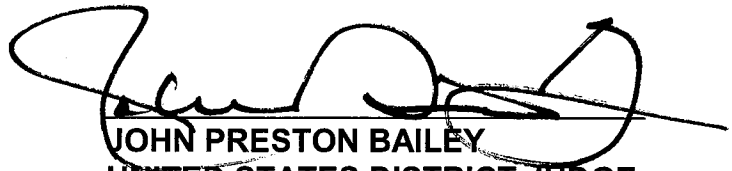
On November 6, 2023, the United States Court of Appeals for the Federal Circuit vacated this Court's claim construction order with respect to the term "a pH of 13 or higher" and the judgment of infringement, and remanded for this Court to consider the extrinsic evidence and its impact on claim construction. See [Doc. 191].

In order for this Court to decide how many significant figures "a pH of 13" has or what it would mean for a number—either for a pH value or for the concentration of hydrogen ions—to have zero significant figures, this Court **DIRECTS** the parties to file briefing on extrinsic evidence *only* and its impact on claim construction, including the three (3) textbooks cited by the Federal Circuit on or before **November 21, 2023**. The parties' briefs must be no more than **twenty-five (25)** pages.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein.

DATED: November 7, 2023.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE